

APPENDIX

SURVEY OF PLAYPEN DISPOSITIONS

Cases where Δ allowed to plea to possession CP/accessing or only charged with poss. CP/accessing

1. *United States v. Gabriel Werdene*, No. 2:15CR00434-GJP (E.D. Penn., Sept. 8, 2016), Doc. 1, only charged with Possession of CP. Doc. 43, on Playpen for 10 hours and 18 minutes, posted links to other CP, had 206 videos and 448 images CP.
2. *United States v. Michael P. Lough*, No. 1:16CR00018-IMK-MJA (N.D. West Vir., Feb. 22, 2017), Doc. 1, information with Possession of CP only. Doc. 44, on Playpen for 17 hours, had 267 images and 1 video CP.
3. *United States v. Ryan Anthony Adams*, No. 6:16CR00011-PGB-GJK (M.D. Fl., Dec. 8, 2016), Doc. 1 charged with Receipt and Poss. CP, Doc. 71 plea to possession and dismiss receipt. Doc. 71, 476 graphics, hundreds of images, used P2P also. Doc. 96, downloading CP for 7 years.
4. *United States v. Hunter Vaughan Eure*, No. 2:16CR00043-RGD-DEM (E.D. Vir., Mar. 21, 2017), Doc. 14 charged with Receipt and Poss. CP, Doc. 71 plea to poss. Doc. 52, on Playpen for 16 hours and 14 minutes, viewed CP daily, 191 images and 22 videos.
5. *United States v. Dumaka Hammond*, No. 4:16CR00102-JD (N.D. Cal, Mar. 10, 2016), Doc. 1 charged with Possession of CP only. Doc. 27, on Playpen for 160 hours, since Sept. 2014. Doc. 35, on Playpen about 10 hours per week.
6. *United States v. Thomas Allen Scarbrough*, No. 3:16CR00035-RJH-CCS (E.D. Tenn., Mar. 8, 2016), Doc. 3 charged with Distribution of CP and Poss. Of CP. Doc. 38 plea to possession of cp. Doc. 19, on Playpen for 20 hours from 2/16/15 to 3/5/15.
7. *United States v. Myron Ellsworth Lindberg*, 2:16CR00083-WFN (E.D. Wash., Jan. 12, 2017), Doc. 1 charged with Poss. Of CP and Receipt of CP. Doc. 43, plea to Poss. Doc. 55, on Playpen .39 hours, collection approx.. 1 terabyte of images and videos, has past sexual contact with 2 female minors that were 8 years old.
8. *United States v. Peter Ferrell*, No. 1:15CR00331-CBA (E.D. N.Y., Mar. 8, 2016), Doc. 5 charged with Receipt and Possession. Doc. 13 & 24 plea to Possession. Doc. 23, had 7,400 images, 3,000 videos.
9. *United States v. Coleman Chung*, No. 3:16CR00033-WMC (W.D. Wis., Sept. 1, 2016), Doc. 2 information with Poss. Of CP only. Per discussion's w/ counsel, on Playpen almost 2 years, hundreds of thousands of images, mental health issues.
10. *United States v. Brian Haller*, No. 2:15CR00242-RJB (W.D. Wash., Apr. 8, 2016), Doc. 9 charged with Receipt and Poss. Of CP. Doc. 26 & 41, plea to poss. Doc. 1, on Playpen 6 hours and 52 minutes b/t 2/12/15 and 2/21/15, viewed 33 threads. Doc. 26, had over 600 images.

11. *United States v. Cliff Ramsay*, No. 3:16CR00122-FLW (Dist. of N.J., July 6, 2016), Doc. 17, information with possession only. Doc. 21, plea to poss. Per discussion w/ counsel, on Playpen 2 hours, 2,747 total images CP (includes 27 videos), approx.. 10,000 images of child erotica.
12. *United States v. Edward Joseph Matish III*, No. 4:16CR00016-HCM-RJK (E.D. Vir., Jan. 30, 2017), Doc. 26 Superseding Indictment charged with accessing the internet w/ intent to view CP and Receipt. Doc. 93 plea to accessing. Doc. 94, 6 hours 55 minutes on Playpen from Oct. 2014 to March 2, 2015.
13. *United States v. Alex Levin*, No. 1:15CR10271-WGY (D. Mass., Sept. 17, 2015), Doc. 8 charged with possession only. Doc. 44-1, 2 hours 19 minutes on Playpen. Doc. 60, seven videos and one image.
14. *United States v. Beau Brandon Croghan*, No. 1:15CR00048-RP-HCA (S.D. Iowa, Nov. 20, 2015), Doc. 2, charged with accessing only.
15. *United States v. Steven Shane Horton*, No. 1:15CR00051 (S.D. Iowa, Nov. 20, 2015), charged with accessing only. Doc. 39-1, on playpen 21 hours and 32 minutes.
16. *United States v. Jose A. Acevedo-Lemus*, No. 8:15CR00137 (C.D. Cal., Nov. 4, 2015), Doc. 1, charged with possession only. Doc. 42, reviewed at least 175 threads on Playpen, had 210 videos and 31 images of CP.

Playpen sentences in Receipt, Possession, and Access cases

1. *United States v. Gerald Andrew Darby*, No. 2:16CR00036-RGD-DEM (E.D. Vir., Mar. 10, 2016), Doc. 67 & 69, sentenced to **receipt of CP**. Guideline range 97-121, **sentenced to 60 months**. Had 23,958 images, maintained employment, desire to participate in vocational programs during imprisonment, not a child molester. Doc. 55, on Playpen 3 hours and 47 minutes, collecting CP for 3-4 years, 1,608 images, 298 videos.
2. *United States v. Edward Joseph Matish, III*, No. 4:16CR00016-HCM-RJK (E.D. Vir., Jan. 31, 2017), Doc. 93 & 103, sentenced to **accessing internet w/ intent to view CP**. **Sentenced to 40 months**. Doc. 94, on Playpen from October 2014 to March 2, 2015, for 6 hours and 55 minutes. Images in unallocated space.
3. *United States v. Gabriel Werdene*, No. 2:15CR00434-GJP (E.D. Penn., Sept. 8, 2016), Doc. 1, only charged with **Possession of CP**. Doc. 43, on Playpen for 10 hours and 18 minutes, posted links to other CP, had 206 videos and 448 images CP. Doc. 49, **sentenced to 24 months**.
4. *United States v. Michael P. Lough*, No. 1:16CR00018-IMK-MJA (N.D. West Vir., Feb. 22, 2017), Doc. 1, information with **Possession of CP** only. Doc. 44, on Playpen for 17 hours from Nov. 23, 2015 to March 1, 2015, had 267 images and 1 video CP. Doc. 58, **sentenced to 37 months**.
5. *United States v. Ryan Anthony Adams*, No. 6:16CR00011-PGB-GJK (M.D. Fl., Dec. 8, 2016), Doc. 1 charged with Receipt and Poss. CP, Doc. 71 **plea to Possession** and dismiss receipt. Doc. 71, 476 graphics, hundreds of images, used P2P also. Doc. 96, downloading CP for 7 years. Doc. 105, **sentenced to 46 months**.
6. *United States v. Hunter Vaughan Eure*, No. 2:16CR00043-RGD-DEM (E.D. Vir., Mar. 21, 2017), Doc. 14 charged with Receipt and Poss. CP, Doc. 71 **plea to Possession**. Doc. 52, on Playpen for 16 hours and 14 minutes, viewed CP daily, 191 images and 22 videos. Doc. 80, **sentenced to 24 months**.
7. *United States v. Phillip A. Epich*, No. 2:15CR00163-PP (E.D. Wis., Aug. 25, 2016), Doc. 18, indicted with 1 count of receipt and 1 count of possession. Doc. 58, **plea to Receipt of CP**, over 600 images, and had a 5 level increase for **pattern of activity** under 2G2.2(b)(5). Doc. 1, defendant made statements that his wife had confronted him of inappropriate contact with his minor daughter, and admitted he became sexually aroused when bathing his minor children. Doc. 41-2, on Playpen for 2 hours and 44 minutes. Doc. 68, **sentenced to 72 months**.
8. *United States v. Myron Ellsworth Lindberg*, 2:16CR00083-WFN (E.D. Wash., Jan. 12, 2017), Doc. 1 charged with Poss. Of CP and Receipt of CP. Doc. 43, **plea to Possession**. Doc. 55, on Playpen .39 hours, collection approx.. 1 terabyte of images and videos, has **past sexual contact with 2 female minors** that were 8 years old. Doc. 64, **sentenced to 24 months**.

9. *United States v. Peter Ferrell*, No. 1:15CR00331-CBA (E.D. N.Y., Mar. 8, 2016), Doc. 5 charged with Receipt and Possession. Doc. 13 & 24 **plea to Possession**. Doc. 23, had 7,400 images, 3,000 videos. Doc. 24, **sentenced to time served**.
10. *United States v. Coleman Chung*, No. 3:16CR00033-WMC (W.D. Wis., Sept. 1, 2016), Doc. 2 information with **Possession Of CP** only. Per discussion's w/ counsel, on Playpen almost 2 years, hundreds of thousands of images, mental health issues. Doc. 27, **sentenced to 5 years' probation**.
11. *United States v. Brian Haller*, No. 2:15CR00242-RJB (W.D. Wash., Apr. 8, 2016), Doc. 9 charged with Receipt and Possession Of CP. Doc. 26 & 41, **plea to Possession**. Doc. 1, on Playpen 6 hours and 52 minutes b/t 2/12/15 and 2/21/15, viewed 33 threads. Doc. 26, had over 600 images. Doc. 35, defendant was computer consultant, skilled in preventing hacking attacks, and president of Seattle Chapter of private sector FBI task force that partners w/ FBI to combat cybercrime and cyberterrorism. Doc. 41, **sentenced to credit for time served** (which amounted to about 2 days).
12. *United States v. Dennis Patrick Meehan Hughes*, No. 3:15CR00011 (S.D. TX., Dec. 14, 2016), Doc. 16, indicted with **one count Receipt, one count Access, one count Possession**. On 3/22/16, pled guilty to all counts, no plea agreement filed. Doc. 1, defendant admitted to having approximately 10 gigabytes of CP, one thumb drive contained 8,200 files, majority were CP. Doc. 44-3, logged on Playpen 41 hours and 41 minutes from Nov. 28, 2014 to March 5, 2015. Doc. 78, **sentenced to 84 months**.

Cases where the Court suppressed evidence

1. *United States v. Alex Levin*, No. 1:15CR10271-WGY (D. Mass., Sept. 17, 2015), Doc. 8 charged with possession only. Doc. 44-1, 2 hours 19 minutes on Playpen. Doc. 60, seven videos and one image. Doc. 82, suppression motion granted.
2. *United States v. Beau Brandon Croghan*, No. 1:15CR00048-RP-HCA (S.D. Iowa, Nov. 20, 2015), Doc. 2, charged with accessing only. Doc. 39 suppression granted. In companion case *United States v. Beau Brandon Croghan*, No. 1:15CR00048-RP-HCA (S.D. Iowa, Nov. 20, 2015), Doc. 2, charged with accessing only. Doc. 52 suppression granted.
3. *United States v. Jay Michaud*, No. 3:15CR05351-RJB (W.D. Wash., May, 25, 2016), Doc. 161 & 162, court held full code was material and ordered government to turn over to defense. Doc. 212, court suppressed all evidence of the NIT, search warrant, and fruits. Doc. 227 & 228, Gov. moved to dismiss case, court granted.
4. *United States v. Andrew Joseph Workman*, No. 1:15CR00397-RBJ (D. Col., Sept. 6, 2016), Doc. 41, motion to suppress evidence granted. Doc. 1, charged with 1 count receipt and 1 count possession. Doc. 36, on Playpen 11 hours and 45 minutes, had 1,248 images and 171 videos of CP, toddlers, bondage, penetration by adult men.
5. *United States v. Scott Fredrick Artebury*, No. 4:15CR00182-JHP (N.D. Okla., May 12, 2016), Doc. 42, Report and Rec. recommending defendant motion to suppress be granted. Doc. 47, Dist. Court affirming and adopting magistrate judge R&R. Doc. 66, Gov. motion to dismiss indictment, Doc. 67 order granting dismissal.
6. *United States v. Terry Lee Carlson, Sr.*, No. 0:16CR00317-JRT-FLN (D. Minn., Mar. 23, 2017), Doc. 44, Report and Recommendation recommending suppression of evidence derived from NIT. Doc. 1, indicted with 5 counts production of CP, 4 counts of receipt, 1 count of possession. Doc. 44, on Playpen 25.06 hours between Dec. 2014 and March 2015, Defendant admitted struggled w/ CP for many years.